



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,050	01/16/2004	Christoph Schilling	NI 161	4473
7590 01/14/2010 KLAUS J. BACH & ASSOCIATES PATENTS AND TRADEMARKS 4407 TWIN OAKS DRIVE MURRYSVILLE, PA 15668				
EXAMINER STONER, KILEY SHAWN				
ART UNIT		PAPER NUMBER		
1793				
MAIL DATE		DELIVERY MODE		
01/14/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CHRISTOPH SCHILLING,
ALEXANDER VON STROMBECK, and JORG DOS SANTOS

Appeal 2009-009518
Application 10/762,050
Technology Center 1700

Mailed: January 14, 2010

Before DALE M. SHAW, *Administrator*

ORDER DISMISSING APPEAL

On September 07, 2007, Appellants filed a Notice of Appeal. On November 06, 2007, Appellants filed an Appeal Brief to which the Examiner responded by filing an Examiner's Answer on February 07, 2008. The Examiner's Answer contained a new ground of rejection designated in accordance with MPEP § 1207.03. According to MPEP § 1207.03 states that an appellant must respond to a new ground of rejection by filing either:

- (A) a reply in compliance with 37 C.F.R. § 1.111 to request that prosecution be reopened; or
- (B) a reply brief that addresses each new ground of rejection in compliance with 37 C.F.R. 41.37(c)(1)(vii) to maintain the appeal.

In addition, 37 C.F.R. § 41.39(b) states that an appellant has within two months to respond. Appellants have not responded within the specified timeframe.

Accordingly, it is ORDERED that the appeal which was filed on August 07, 2008, be dismissed.

The application is being returned to the Examiner for further action as may be appropriate.

If there are any questions pertaining to this dismissal, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DMS/ssl

KLAUS J. BACH & ASSOCIATES
PATENTS AND TRADEMARKS
4407 TWIN OAKS DRIVE
MURRYSVILLE, PA 15668